HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.NO. 24937 OF 1997

Between:

Andhra Pradesh 6-A Archaka Sangham

… Petitioner

and

The Executive Officer, Sri Lakshmi
Narasimha Swamyvari Devasthanam,
Yadagirigutta, Nalgonda District

… Respondent

HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.NO.24937 OF 1997

ORAL ORDER:

Sri K. Ravi, learned counsel appearing on behalf of the respondent, would seek time to file a counter affidavit. The writ petition is of the year 1997. I see no reason to grant further time to file a counter affidavit, a decade after the writ petition was admitted.

The short question which arises for consideration in this writ petition is whether the respondent was justified in issuing the notice dated 7.8.1997 directing employees of the temple to vacate the quarters/choultry in their occupation uphills at Yadagirigutta. The Andhra Pradesh 6-A Archaka Sangham is before this court aggrieved by the said show cause notice. The grievance, as forcibly put across by Sri S. Ashok Anand Kumar, learned counsel for the petitioner, is that the notice runs contrary to the scheme framed, for providing welfare measures to Archakas and other employees of temples and institutions in the State of Andhra Pradesh, pursuant to the directions of the Supreme Court in W.P.No.638 of 1987. Clause (3) of the said scheme requires certain welfare measures to be provided. Sub-clause

(1) thereunder is for putting up quarters to Archakas and other employees on rental basis. The note thereto provides for residential accommodation at least to Archakas and Watchmen in the premises and if there are no rooms and quarters available, belonging to the temple, preference is required to be given to the Archakas in the said quarters vacating others, if any, residing in the said quarters, as per the existing standard rent. While the scheme does not define “Archakas”, it is necessary to note that the definition of “Archakas” under the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short ‘the Act’) would apply to this scheme as well since the scheme relates to Archakas working in Hindu Religious and Endowment Institutions. Clause (1) of Sub-section 2 of the Act defines ‘Archaka’ to include a Pujari, Panda, an Archakatvam Mirasidar or other person, who personally performs or conducts any archana, puja or other ritual.

The controversy relates to the number of Archakas, whom the respondent is willing to permit to reside proximate to the temple uphills at Yadagirigutta. While Sri S. Ashok Anand Kumar would submit that one Pradana Archaka and 4 other Archakas/Veda Pandits are still residing in the quarters provided uphills, Sri K. Ravi, on instructions, would submit that it is only one Pradana Archaka and 2 other Archakas, who are residing thereat. It is wholly unnecessary for this court to examine this factual controversy. Suffice to note that the Note to Clause 3 (1) of the scheme requires residential accommodation to be provided in the premises of the temple, at least to Archakas and

that, if any quarters belonging to the temple are available, preference should be given to the Archakas for provision of accommodation in the said quarters vacating others, if required.

In so far as persons, who fall within the definition of Archaka under Section 2 (1) of the Act are concerned the respondent shall, in accordance with the note to Clause 3 (1) of the welfare scheme take steps to provide residential accommodation to these Archakas uphills at Yadagirigutta if need be by vacating others who are residing thereat and if no quarters are available uphills, then in any other quarters, which belong to the temple. This direction would be in accordance with the scheme provided for the welfare of Archakas and others, pursuant to the directions of the Supreme Court in **A.S. NARAYANA DEEKSHITULU AND OTHERS V. STATE OF A.P. AND OTHERS** [1]. Needless to state that till necessary orders are passed by the respondent in accordance with the aforesaid observations, the interim directions passed earlier directing the respondent not to vacate the persons residing in the quarters shall continue to operate.

With the above observations, the writ petition is disposed of. There shall be no order as to costs.

RAMESH RANGANATHAN, J

DATE: 22.2.2007

CVM

[1] 1997 (5) SCC 383